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
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,453	10/30/2003	Robert L. Miodunski	10407/852	7978
30076	7590	05/07/2004	EXAMINER	
BROWN RAYSMAN MILLSTEIN FELDER & STEINER, LLP SUITE 711 1880 CENTURY PARK EAST LOS ANGELES, CA 90067			TAYLOR, APRIL ALICIA	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/697,453	Applicant(s) MIODUNSKI ET AL.	
	Examiner April A. Taylor	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-105 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-105 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/30/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Receipt is acknowledged of the Preliminary Amendment filed 30 October 2003.

Specification

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

3. Claims 1-105 are objected to because of the following informalities:
 - Re claim 1: Delete "adapted to be" (see line 4).
 - Re claim 3: Delete "is adapted to" (see line 2).
 - Re claim 9: Delete "is adapted to" (see line 1).
 - Re claim 23: Delete "is adapted to" (see line 4).
 - Re claim 25: Substitute "each adapted to contain" with -- each container contains -- (see line 2).
 - Re claim 30: Delete "adapted to be" (see line 2).
 - Re claim 37: Delete "adapted to be" (see line 5).
 - Re claim 37: Substitute "is adapted to be connected to the payout dispenser and to interface" with -- connects to the payout dispenser and interfaces -- (see line 9).
 - Re claim 37: Delete "is adapted to" (see line 12).

Re claim 39: Delete "is adapted to" (see line 2).

Re claim 48: Delete "is adapted to" (see line 1).

Re claim 61: Delete "is adapted to" (see line 2).

Re claim 66: Delete "is adapted to" (see line 4).

Re claim 70: Substitute "adapted to contain" with -- contains -- (see line 2).

Re claim 82: Substitute "though" with -- through -- (see line 8).

Re claim 82: Delete "adapted to be" (see line 11).

Re claim 91: Delete "is adapted to" (see line 2).

Re claim 92: Delete "is adapted to" (see line 14).

Re claim 92: Substitute "is adapted to receive" with -- receives -- (see line 16).

Re claim 92: Substitute "is adapted to receive" with -- receives -- (see line 17).

Re claim 92: Delete "adapted to be" (see line 22).

Re claim 95: Delete "is adapted to" (see line 2).

Re claim 104: Delete "is adapted to" (see line 2).

(Note: All other claims are objected to for the same reason since they depend on an objected claim.)

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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5. Claims 16 and 58 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claim recites, "a system further comprising a non-gaming device that indicates a purchase, gift, or award", however this limitation is not describe in the specification. Therefore, the examiner believes that the 35 U. S. C. 112, first paragraph rejection is appropriate.

Double Patenting

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 1-15, 17-57, and 59-105 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15, 17-57, and 59-105 of copending Application No. 09/551,680 (hereinafter '680). Although the conflicting claims are not identical, they are not patentably distinct from each other because both the present claimed invention and the '680 Application

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teaches a system and method for securely storing and controlling the dispensing of a payout comprising, among other things, a payout dispenser, for securely storing and dispensing a payout; a terminal, for controlling the dispensing of the payout, connected to the payout dispenser and to interface with a non-player attendant in connection with the payout; communication link for interconnecting the payout dispenser and the terminal; a gaming device connected to the payout dispenser and the terminal, and a network for interconnecting the gaming device with the payout dispenser and the terminal; a payout breakage dispenser that dispenses payout breakage denominations smaller than the payout dispenser denomination; and a printer for printing a record of a system transaction.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-9, 13-25, 29-51, 55-70, and 74-105 are rejected under 35 U.S.C. 102(e) as being anticipated by Luciano et al (US 6,168,521), (hereinafter Luciano).

Re claims 1-4, 6, 18, 20-25, 37-40, 45, 61, 63-67, 70, 82-86, 88, 92-96, and 101:

Luciano teaches an electronic lottery game system comprising:

a central station including a central terminal;

a local station connected to the central station, the local station including a payout dispenser, wherein the payout dispenser store and dispense a payout dispenser denomination; a local terminal connected to the payout dispenser and interfaces with a non-player attendant in connection with the payout; a communication link that interconnects the central station and the local station, wherein the communication link interconnects the payout dispenser, the local terminal, and the central terminal; a gaming device connected to the payout dispenser and the local terminal; a network for interconnecting the gaming device with the payout dispenser and the terminal; a payout breakage dispenser; and a printer for printing a record of a system transaction; and

a container that is installable in the payout dispenser. (See col. 4, line 21 to col. 6, line 37)

Re claims 5, 43, 49, 87, 99, and 105: Luciano teaches wherein the local station further comprises a local controller that controls transmissions between the local station and the central station; and wherein the local terminal includes a data processor (see col. 4, line 21 to col. 6, line 37).

Re claims 7, 46, 89, and 102: Luciano teaches wherein the payout dispenser includes a housing for securely storing the payout (see col. 3, lines 48-61; col. 4, line 21 to col. 6, line 37).

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Re claims 8, 47, 90, and 103: Luciano teaches wherein the payout dispenser includes means for positively dispensing the payout (see col. 3, lines 48-61; col. 4, line 21 to col. 6, line 37).

Re claims 9, 48, 91, and 104: Luciano teaches wherein the payout dispensers stores and dispenses a plurality of payout denominations (see col. 3, lines 48-61; col. 4, line 21 to col. 6, line 37).

Re claims 13 and 55: Luciano teaches wherein the payout comprises paper money (see col. 3, lines 48-61).

Re claims 14 and 56: Luciano teaches wherein the payout comprises paper scrip (see col. 3, lines 48-61).

Re claims 15 and 57: Luciano teaches wherein the payout comprises a coupon (see col. 3, lines 48-61).

Re claims 16 and 58: Luciano further teaches a system comprising a non-gaming device that indicates an award (see col. 3, lines 48-61; col. 4, line 21 to col. 6, line 37).

Re claims 17, 44, 59, 60, and 100: Luciano teaches a system further comprising a plurality of gaming devices at the location of each of the plurality of local station (see col. 4, line 21 to col. 6, line 37).

Re claims 19 and 62: Luciano teaches wherein the gaming device locks up and directs the person to the terminal for the payout (see col. 4, line 21 to col. 6, line 37).

Re claims 29, 33-35, 74, and 78-80: Luciano teaches wherein the connecting means comprises a port; and wherein the system includes means for enabling the port

to send and receive data, wherein the port enabling means comprises a plurality of nodes (see col. 4, line 21 to col. 6, line 37).

Re claims 30 and 75: Luciano teaches wherein the payout dispenser interfacing means are mountable in the payout dispenser (see figure 2; col. 4, line 21 to col. 6, line 37).

Re claims 31, 32, 76, and 77: Luciano teaches wherein the payout dispenser interfacing means comprise an interface board; and wherein the gaming device network connecting means comprise an interface board (see col. 4, line 21 to col. 6, line 37).

Re claims 36 and 81: Luciano teaches wherein the plurality of nodes includes the gaming device network, the gaming device, the payout dispenser, and the terminal (see col. 4, line 21 to col. 6, line 37).

Re claims 41, 42, 97, and 98: Luciano teaches wherein the central station further comprises a central controller that controls transmission between the central station and the local station; and wherein the central terminal includes a data processor (see col. 4, line 21 to col. 6, line 37).

Re claims 50-51: Luciano teaches a system further comprising a central modem for transmitting signals to and receiving signals from the local station; and a local modem for transmitting signals to and receiving signals from the central station (see col. 4, line 21 to col. 6, line 37).

Re claim 68: Luciano teaches wherein the communication link includes means for connecting the central controller to the central terminal, the connecting means comprising an Ethernet connection (see col. 4, line 21 to col. 6, line 37).

Re claims 69: Luciano teaches wherein the communication link further includes means for connecting the local controller to the payout dispenser and the local terminal (see col. 4, line 21 to col. 6, line 37).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 10-12, 26-28, 52-54, and 71-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luciano et al (US 6,168,521). The teachings of Luciano et al have been discussed above.

Luciano fails to specifically teach or fairly suggest wherein the payout dispenser terminal communication link includes data lines, wireless connections or fiber optic connections; and wherein the data lines comprise a dedicated line, T1 line or frame relay line. It would have been an obvious to one of ordinary skill in the art at the time the invention was made to use a communication link including data lines, wireless connections or fiber optic connections, since applicant has not disclosed that choosing a specific one of these communication links solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with either feature. Thus, it would have been an obvious expedient to provide a

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communication link including data lines, wireless connections or fiber optic connections, as it would have been a matter of a design choice of the manufacturer.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Saunders et al (US 6,340,331) discloses a cashless peripheral device for a gaming system.

Heidel et al (US 6,289,261) discloses a gaming machine payout dispensing system and method.

Walker et al (US 6,113,492) discloses a gaming device for operating in a reverse payout mode.

Walker et al (US 6,001,016) discloses a remote gaming device.

Contact Information

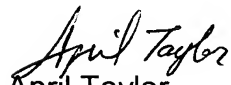
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to April A. Taylor whose telephone number is (571) 272-2403. The examiner can normally be reached on Monday - Friday from 6:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [april.taylor@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


April Taylor
26 April 2004



**THIEN M. LE
PRIMARY EXAMINER**